

Article - Alcoholic Beverages

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§2–216.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Advertisement” includes a graphic or nongraphic sign, display, poster, and placard.
- (3) “Manufacturing entity” means:
 - (i) a holder of a manufacturer’s license or a person connected with the business of the holder; or
 - (ii) a distiller, nonresident dealer, resident dealer, brewer, rectifier, blender, or bottler of alcoholic beverages.
- (b) Except as otherwise provided in this section:
 - (1) a manufacturing entity may not have a financial interest in:
 - (i) the premises on or in which a license holder sells alcoholic beverages at retail; or
 - (ii) a business that a license holder conducts;
 - (2) a manufacturing entity may not lend money or any other thing of value, make a gift, or offer a gratuity to a retail dealer;
 - (3) a retail dealer may not accept, receive, or make use of money, a gift, or an advertisement provided by a manufacturing entity or become indebted to a manufacturing entity except for the purchase of alcoholic beverages and allied products purchased for resale; and
 - (4) a manufacturing entity may not provide an advertisement to a retail dealer.
- (c) (1) This subsection applies only to brewed products.
- (2) (i) Except as provided in subsection (e) of this section, a brewer, nonresident dealer, or resident dealer may not provide to a retail license holder an advertisement that:

1. is worth more than \$150; and

2. advertises the beer or malt products of a particular brewer, nonresident dealer, resident dealer, or beer wholesaler.

(ii) An advertisement provided in accordance with this subsection shall contain brand information that is prominent, permanent, and equal to the life and value of the utilitarian character of the advertising item.

(d) (1) This subsection applies only to wine and liquor.

(2) An advertisement for use in windows or elsewhere on a retail liquor establishment may be given to a retailer by a brand owner who is engaged in the business of a manufacturing entity, if:

(i) the utilitarian value is secondary and only incidental to the value as an advertisement;

(ii) the total value of an item provided by a brand owner for each of its individual brands for use in any one retail establishment at any one time is not more than \$150 for each individual brand; and

(iii) the cost of installing these materials does not exceed the usual cost in the locality.

(3) (i) In lieu of premanufactured advertising material, materials and labor may be provided by a brand owner for the custom manufacture of an advertising display that:

1. is worth not more than \$150;

2. is temporary; and

3. has no other utilitarian value.

(ii) A manufacturer, nonresident dealer, resident dealer, or brand owner may not undertake a plan that directly or indirectly results in the purchase of advertising materials, supplies, or services by a wholesaler's license holder or retail license holder.

(iii) A retail license holder may not participate directly or indirectly in a transaction in which the license holder pays for or shares the cost for

any of the advertising materials, supplies, services, or mailing expenses used to promote a brand owner's products.

(e) (1) Subsections (b) and (c) of this section do not apply to:

(i) a holder of a Class 6 pub–brewery license with respect to the malt beverages brewed on the premises; or

(ii) a holder of a Class 7 micro–brewery license with respect to the malt beverages brewed on the premises that are sold:

1. on the licensed premises of the brewery; or

2. in a restaurant or brewery pub owned, conducted, and operated by the holder in or adjacent to the brewery for which it is licensed.

(2) A holder of a Class 6 pub–brewery license or a Class 7 micro–brewery license may hold or have a financial interest in one retail license that does not apply to premises to which a Class 6 pub–brewery license or Class 7 micro–brewery license applies.

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